

PATENT



ATTY. DOCKET: ALLE-P11-US

MARK A. GARZIA, P.C.

A PROFESSIONAL CORPORATION

PATENT, TRADEMARK,
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RELATED MATTERS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : ALLEY, Kenneth A.
TITLE : APPLICATOR DEVICE
APPLICATION NO. : 10/773,786
FILING DATE : February 6, 2004
EXAMINER : HAND, Melanie Jo
ART UNIT : 3761
CONFIRMATION NO. : 7917
CUSTOMER NO. : 021616

TO: Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER ACCOMPANYING REPLY TO OFFICE ACTION

Dear Sir:

Transmitted herewith is a Reply (Under 37 C.F.R. §1.111) to Office Action (12 pgs.) that is responsive to the Office Action dated October 12, 2006, in the above-captioned application.

☒ Small entity status of this application pursuant to 37 C.F.R. §1.27(b) has been established.

☐ It is believed that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a Petition for Extension of Time under 37 C.F.R. §1.136(a).

☐ Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a) - (d) for the total number of months checked below:

<u>Extension Months(s)</u>	<u>Fee For Other Than Small Entity</u>	<u>Fee For Small Entity</u>
<input type="checkbox"/> 1 Month	\$120.00	\$ 60.00
<input type="checkbox"/> 2 Months	\$450.00	\$225.00
<input checked="" type="checkbox"/> 3 Months	\$1,020.00	\$510.00
<input type="checkbox"/> 4 Months	\$1,590.00	\$795.00
<input type="checkbox"/> 5 Months	\$2,160.00	\$1,080.00

☐ A Terminal Disclaimer Pursuant to 37 C.F.R. § 1.321(b) and (c) is enclosed.

☐ An Assignment (pgs.) is enclosed.

☐ Assignment Cover Sheet (1 pg.)

☐ An Information Disclosure Statement Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98 (pgs.) is enclosed.

☐ Form PTO-1449.

☐ References

☒ Fee Transmittal for FY 2007 – Form PTO/SB/17 (1 pg.) is enclosed.

☐ Other

☐ Drawings

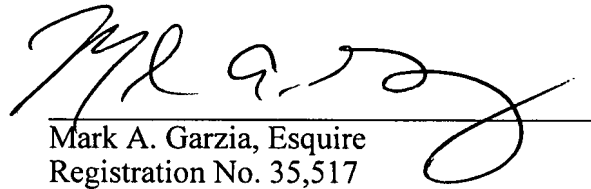
☐ Declaration

- [XX] A postage-prepaid, self-addressed postcard for the PTO to acknowledge receipt of this communication is enclosed.
- [XX] No additional claim fee is required.
- [] Please charge my Deposit Account No. _____ in the amount of \$_____. Two copies of this transmittal are attached.
- [] Check No. _____ in the amount of \$____.00 to cover the _____ fee is enclosed.
- [] The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication, or credit any overpayment, to Deposit Account No. _____. Two copies of this transmittal are attached.
- [XX] Credit Card Payment Form PTO-2038 in the amount of \$510.00 (for Extension for response within third month) is enclosed to cover the fee due.

Respectfully submitted,

Kenneth A. Alley

Date: 12 APRIL 2007


Mark A. Garzia, Esquire
Registration No. 35,517

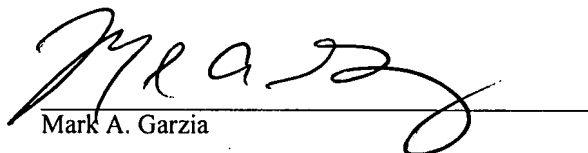
Law Offices of Mark A. Garzia, P.C.
2058 Chichester Avenue
Boothwyn, PA 19061
Telephone: (610) 485-9400

* * * * *

CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

April 12, 2007
Date


Mark A. Garzia



PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2006

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
510**Complete if Known**

Application Number	10/773,786
Filing Date	February 6, 2004
First Named Inventor	ALLEY, Kenneth
Examiner Name	HAND, Melanie J.
Art Unit	3761
Attorney Docket No.	ALLE-P11-US

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	<u>Small Entity</u> Fee (\$)	Fee (\$)	<u>Small Entity</u> Fee (\$)	Fee (\$)	<u>Small Entity</u> Fee (\$)	
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

2. EXCESS CLAIM FEESFee Description

Each claim over 20 (including Reissues)

Fee (\$)	<u>Small Entity</u> Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
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Multiple dependent claims

360	180
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
20	- 20 or HP = 0	x 0	= 0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
2	- 3 or HP = 0	x 0	= 0

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)
0	0

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = 0	/ 50 = 0	(round up to a whole number) x 0	= 0	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)
0

Other (e.g., late filing surcharge): Extension of Time (3 months)

510

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 35,517	Telephone 610-485-9400
Name (Print/Type)	Mark A. Garzia	Date	12 APRIL 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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REPLY TO OFFICE ACTION

Dear Sirs:

This Reply is responsive to an Office Action dated October 12, 2006. The Office Action set a shortened statutory period for response that expires on January 12, 2007. Accordingly, enclosed herewith is a Petition for Extension of Time and the appropriate fee to extend the period for response through today's date.

Kindly amend the application as follows.

AMENDMENTS to the Claims are reflected in the listing of the Claims which begins on page 3 of this paper.

REMARKS begin on page 8 of this paper.